

Reply to Office Action of November 26, 2008

REMARKS

Claims 1-23 are pending in this application. By this Amendment, claims 1 and 22-23 are amended to improve form and claims 24-25 are canceled without prejudice or disclaimer. Reconsideration in view of the above amendments or the following remarks is respectfully requested.

Applicants acknowledge the Office Action's indication that claims 2, 5-9, 12-21 and 24-25 define patentable subject matter. However, for at least the following reasons, Applicants respectfully submit that all pending claims define patentable subject matter.

The Office Action rejects claims 1, 3-4 and 10-11 under 35 U.S.C. §101 as directed to non-statutory subject matter. The rejection is respectfully traversed.

Without acquiescing in the rejection, but merely to expedite prosecution, Applicants respectfully submit that subject matter indicated to be statutory from claim 2 is incorporated into claim 1. Thus, for at least the reasons set forth above, Applicants respectfully submit that claim 1 defines statutory subject matter. Claims 3-4 and 10-11 depend from claim 1 and therefore also define statutory subject matter. Withdrawal of the rejection of claims 1, 3-4 and 10-11 under 35 U.S.C. §101 is respectfully requested.

The Office Action rejects claims 22-23 under 35 U.S.C. §102(b) over US Patent No. 5,056,117 to Girtlin et al. (hereafter "Girtlin"). The rejection is respectfully traversed.

Without acquiescing in the rejection, but merely to expedite prosecution, Applicants respectfully submit that subject matter indicated to be allowable from claims 25 and 24 is respectively incorporated into claims 22 and 23. Thus, Applicants respectfully submit that claims 22 and 23 define patentable subject matter.

For at least the reasons set forth above, Applicants respectfully submit that claims 22 and 23 define patentable subject matter. Withdrawal of the rejection of claims 22-23 under 35 U.S.C. §102 is respectfully requested.

Serial No. 10/690,629

Docket No. GCTS-0036

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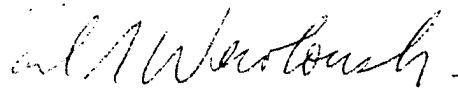
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. As Applicants' remarks with respect to the Office Action's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference, assertions as to statutory subject matter, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl Wesolowski, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-4574 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: MAY 26, 2009

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